IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 23406 of 2004

Between:

Madari Jaya Raju, S/o.M.Anthony,
R/o.24-7-58, Fathimanagar,
Warangal Dist.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep.by its Chief Secretary, Secretariat

Building, A.P. Hyderabad.
2 Andhra Pradesh Public Service Commission, rep.by its Secretary,

Gruhakalpa Complex, Nampally, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in making all appointments, promotions and notifications for various posts duly categorizing the schedule caste into 4 groups is illegal and unconstitutional and consequently direct the respondents to roll back the appointments and promotions made already and make fresh promotions and appointments by issuing fresh notification accordingly.

Counsel for the Petitioner: Mr.M.Jaya Raju, PARTY-IN-PERSON

Counsel for the Respondent No.1: The Govt. Pleader for General

Administration Department.
Counsel for the Respondent No.2: MR.M.VIJAY KUMAR

The Court at the stage of admission made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This petition is filed as public interest litigation on the basis of the decision of the Supreme Court in C.A.No.6758 of 2000 (E.V.Chinnaiah vs. State of Andhra Pradesh) decided on 5-11-2004 that despite such decision of the Supreme Court, respondent No.1 is continuing to make appointments and promotions based upon the categorization of scheduled castes into four groups.

Needless to state that the law declared by the Supreme Court is binding unless it is reversed or modified and the respondents are bound to follow the law declared by the Supreme Court. Any action taken by the respondents inconsistent with the declaration of law by the Supreme Court would be a nullity.

Learned counsel for the second respondent states that after the decision of the Supreme Court, various G.Os., have been issued to the concerned authorities to follow the decision of the Supreme Court.

In that view of the matter, there will be no occasion for us, at this stage, to pass any further direction except by stating that in case the petitioner would feel aggrieved by any of the particular acts of the respondents in not following the decision of the Supreme Court, he will be at liberty to take appropriate action in accordance with law.

The writ petition is accordingly disposed of.

DEVINDER GUPTA, CJ

20-1-2005

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M.NARAYANA REDDY, J

Tvr

To

1 The Chief Secretary, Government of Andhra Pradesh, Secretariat

Building, A.P. Hyderabad.
2 The Secretary, Andhra Pradesh Public Service Commission,

Gruhakalpa Complex, Nampally, Hyderabad.

3 2 CCs to the Govt. Pleader for General Administration Department,

High Court Buildings, Hyderabad (OUT)

4 2 CD copies.